

**House Bill 260 on Third Reading**

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—20**

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Stone
Lane	Vick
Lanning	York

**Nays—1**

Winfield

**Absent**

Ramsey	Weinert
Sulak	

**Absent—Excused**

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—19**

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Morris
Graves	Stone
Jones	Sulak
Lane	Vick
Lanning	York

**Nays—2**

Moffett	Winfield
Moore	

**Absent**

Hazlewood	Weinert
Ramsey	

**Absent—Excused**

Cotten	Lemens
Fain	Shivers
Formby	Spears
Kelley	

**Hour for Executive Session Set**

On motion of Senator Brownlee, and by unanimous consent, the Senate agreed to hold an executive session at 11:30 o'clock a. m. tomorrow.

**Adjournment**

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 11:25 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

**TWENTY-NINTH DAY**

(Thursday, March 4, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Fain was granted leave of absence for today and indefinitely on account of important business, on motion of Senator Lovelady.

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Vick.

**Reports of Standing Committees**

Senator Graves submitted the following reports:

Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 3, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute attached hereto pass in lieu thereof and be printed.

GRAVES, Chairman.

Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 5, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 6, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 7, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 122, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 250, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 246, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 232, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Senator Sulak submitted the following report:

Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred S.

B. No. 230, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

### Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Weinert and Shivers:

S. B. No. 251, A bill to be entitled "An Act concerning trusts and trustees; providing for the creation of trusts and the regulation of trusts and trustees; listing the permissible purposes of trusts; defining terms; locating legal estate to trust property in certain types of trusts of realty; enumerating the methods of creation of trusts; reenacting Sections (a) and (b) of Article 7425 of the Revised Civil Statutes of Texas; providing for the deposit of trust funds by corporate trustees; regulating inter-trust transactions and transactions between trustees and their trusts; relating to the powers, duties and responsibilities of trustees in the management of trust properties, including investment of trust funds and the methods of allocating principal and income and apportioning expenses between tenants and remaindermen in cases not governed by trust instruments; defining the powers attached to the office of trustee and prescribing modes for the exercise of such powers, including the exercise thereof by co-trustees; fixing and delineating the tort and contractual liabilities of trustees and trust estates, providing for exoneration or reimbursement in the incurrence of certain of such liabilities, and prescribing a method whereby such liabilities may be enforced in the courts; enumerating the powers of trustors, including reserved powers, and beneficiaries; locating the legal estate of property subject to a trust and providing for the disposition of portions of legal or equitable estates not disposed of by the trust instrument; making provision for the death of trustees, authorizing the removal of trustees in certain contingencies, and providing for the selection of substitute and successor trustees and enumerating their powers and duties; providing for determination by the District Court of certain matters re-

lating to trusts and fixing the venue of such actions; reinstating provisions of the common law relative to trusts in certain contingencies; expressing the intent of the Legislature in passing this Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Ramsey:

S. B. No. 252, A bill to be entitled "An Act authorizing the conveyance by the State Board of Control of the State of Texas of certain land for the purpose of constructing blast furnaces, iron foundries and any and all other improvements for the purpose of developing the iron ore deposits in the vicinity of Rusk in Cherokee County, Texas; authorizing the Chairman of the Board of Control to execute conveyance of said land; and declaring an emergency."

To Committee on State Affairs.

### Motion to Take up House Bill 159

Senator Aikin moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 159 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the Senate's entire membership):

#### Yeas—22

Aikin	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalf
Cotten	Moffett
Graves	Morris
Hazlewood	Ramsey
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	York

#### Nays—4

Moore	Weinert
Shivers	Winfield

#### Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

**Senate Bill 62 with House Amendments**

Senator Brownlee called S. B. No. 62 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

**Yeas—23**

Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

**Nays—1**

Aikin

**Absent**

Mauritz Morris

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. C. R. No. 26, Relating to increasing cotton quotas.

H. B. No. 79, A bill to be entitled "An Act to accomplish the constitutional directive expressed in Article XVI, Section 16, by authorizing the incorporation of corporate bodies with banking and discounting privileges, and providing for a system of State supervision, regulation and control of banks and other financial institutions placed under the supervision of the

Banking Department, to the end that all depositors and creditors of such bodies shall be adequately protected and secured. To accomplish which general purpose Title 16 of the Revised Civil Statutes of Texas of 1925 is repealed."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

**Concurrence in House Amendments to Senate Bill 4**

Senator Vick moved to reconsider the vote by which the Senate, on yesterday, requested the appointment of a Conference Committee to adjust the differences between the two houses on S. B. No. 4.

Senator Metcalfe moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

**Yeas—7**

Aikin	Lanning
Chadick	Mauritz
Cotten	Metcalf
Lane	

**Nays—18**

Brownlee	Morris
Bullock	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lovelady	Vick
Martin	Weinert
Moffett	Winfield
Moore	York

**Absent**

Kelley

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	

Question then recurring on the motion to reconsider, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—19**

Brownlee	Jones
Bullock	Lovelady
Chadick	Martin
Graves	Moffett
Hazlewood	Moore

Morris	Vick
Ramsey	Weinert
Shivers	Winfield
Stone	York
Sulak	

Nays—6

Aikin	Lanning
Cotten	Mauritz
Lane	Metcalf

Absent

Kelley

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

Question—Shall the motion (of Senator Metcalf) that a Conference Committee be appointed to adjust the differences between the two houses on S. B. No. 4 prevail?

Senator Stone moved to table the motion of Senator Metcalf.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Brownlee	Morris
Bullock	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lovelady	Weinert
Martin	Winfield
Moffett	York
Moore	

Nays—6

Aikin	Lanning
Cotten	Mauritz
Lane	Metcalf

Absent

Chadick

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

Question then recurred on the motion of Senator Stone (made on yesterday) to concur in the House amendments to S. B. No. 4.

The motion to concur prevailed by the following vote:

Yeas—19

Brownlee	Chadick
Bullock	Graves

Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lovelady	Vick
Martin	Weinert
Moffett	Winfield
Moore	York
Ramsey	

Nays—6

Aikin	Lanning
Cotten	Mauritz
Lane	Metcalf

Absent

Morris

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

#### House Bill 142 on Second Reading

Senator Shivers moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 142 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent

Morris

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 142, A bill to be entitled "An Act amending Section 1 of Chapter 36 of the General Laws of the

Regular Session of the Forty-seventh Legislature so as to provide for removing the remains of, and/or erecting a monument at the grave of Captain William M. Logan, in Liberty County, Texas, instead of in old Allen Cemetery in Houston, Texas."

The bill was read second time.

Senator Shivers offered the following amendments to the bill:

(1)

Amend H. B. No. 142 by striking out everything below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 1 of Chapter 36 of the General Laws of the Regular Session of the Forty-seventh Legislature is amended so as to hereafter read as follows:

"Section 1. The sum of Four Hundred (\$400.00) Dollars is hereby appropriated out of the State Treasury to be used by the State Board of Control for the following purpose:

"Erecting a monument in Liberty, Texas, in memory of Captain William M. Logan of Liberty County, Texas, the site to be selected by the County Judge of Liberty County in Liberty, Texas, instead of in Old Allen Cemetery in Houston, Texas."

"Sec. 2. Section 2 of Chapter 36 of the General Laws of the Regular Session of the Forty-seventh Legislature is amended so as to hereafter read as follows:

"Sec. 2. It is specifically provided that in discharging its responsibilities hereunder, the State Board of Control shall be authorized to accept donations from private sources to assist in the erection of a more expensive monument."

"Sec. 3. Section 3 of Chapter 36 of the General Laws of the Regular Session of the Forty-seventh Legislature is amended so as to hereafter read as follows:

"Sec. 3. The fact that it is the duty of the State of Texas to provide, as soon as possible, for the erection of monuments in memory of Texas patriots as herein provided, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall be in force

and effect from and after its passage, and it is so enacted."

(2)

Amend H. B. No. 142 by striking out everything above the enacting clause and substituting in lieu thereof the following:

"A BILL

To Be Entitled

"An Act amending Section 1 of Chapter 36 of the General Laws of the Regular Session of the Forty-seventh Legislature so as to provide for erecting a monument in memory of Captain William M. Logan, in Liberty, Texas, instead of in Old Allen Cemetery in Houston, Texas, and making an appropriation of Four Hundred (\$400.00) Dollars therefor, and providing for the right of acceptance of private donations; the location of such monument to be selected by the County Judge of Liberty County, Texas; and declaring an emergency."

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 142 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 142 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

#### House Bill 273 on Second Reading

Senator Bullock moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 273 be taken up for consideration at this time.

(Senator Mauritz in the Chair.)

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 273, A bill to be entitled "An Act to amend Chapter 88, Section 13, Acts of the Forty-first Legislature, Second Called Session as

amended by the Acts of the Forty-third Legislature, Chapter 178, Section 1, to permit the State Highway Department to issue for the 1943, 1944, and 1945 registration years single plate or plates of metal or other materials, symbols, tabs, devices, in connection with or in lieu of the motor vehicle license plate or plates; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 273 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 273 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	

**House Bill 245 on Second Reading**

Senator Bullock moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 245 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 245, A bill to be entitled "An Act granting permission to Eunita Mae Adams, a minor, to bring suit against the State of Texas and/or Highway Department of Texas in a court of competent jurisdiction, in Jones County, Texas, for damages for personal injuries alleged to have been sustained by her while riding in an automobile with her father, Lyle Adams who was driving said automobile, which said automobile was run into and struck by another automobile owned by the State of Texas and being driven by an employee of the State of Texas, to-wit, W. A. Haynes, on or about the 11th day of July, 1941, at the intersection of two lateral highways in Jones County, Texas, known as the McChristian Road and the road known as the Compress Road; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 245 on Third Reading**

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 245 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	



**Message from the Governor**

The following message from the Governor was received and was read to the Senate.

Austin, Texas,  
March 4, 1943.

To the Senate of the Forty-seventh Legislature:

In compliance with S. C. R. No. 24, I am returning herewith S. B. No. 107.

Respectfully submitted,  
COKE STEVENSON,  
Governor of Texas.

**House Bill 353 on Second Reading**

Senator Chadick moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 353 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 353, A bill to be entitled "An Act to amend Subsection 86 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 86th District Court in Kaufman, Van Zandt, and Rockwall Counties, constituting the 86th Judicial District of Texas; etc.; and declaring an emergency."

The bill was read second time.

Senator Chadick offered the following amendments to the bill:

(1)

Amend H. B. No. 353 by striking out the word "March" in line 3 of page 2 of the bill and inserting in lieu thereof the word "April."

(2)

Amend H. B. No. 353 by adding following the word Act in 11th line of page one the following:

"All process issued and made returnable on or before Monday next after the expiration of twenty (20) days from the date of service thereof shall be valid and unaffected by this Act."

The amendments were adopted severally.

The bill was passed to third reading.

**House Bill 353 on Third Reading**

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 353 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

**Absent—Excused**

Beck	Lemens
Fain	Spears
Formby	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Bullock
Brownlee	Chadick

Cotten	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Kelley	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York

## Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

(President in the Chair.)

## House Bill 266 on Second Reading

Senator Mauritz moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 266 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

## Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 266, A bill to be entitled "An Act to amend Subdivision 36 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in Aransas, San Patricio, Bee, Live Oak, and McMullen Counties, constituting the 36th Judicial District of Texas; etc.; and declaring an emergency."

The bill was read second time.

Senator Mauritz offered the following amendment to the bill:

Amend H. B. No. 266 by deleting the paragraph next above Section 2 and inserting in lieu thereof the following:

"All process issued and returnable to a succeeding term of court and all bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn for the same. All process issued and made returnable on or before Monday next after the expiration of twenty days from the date of service thereof shall be valid, and unaffected by this Act."

The amendment was adopted.

The bill was passed to third reading.

## House Bill 266 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 266 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

## Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Beck	Lemens
Fain	Spears
Formby	

**Bills and Resolutions Signed**

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 110, A bill to be entitled "An Act authorizing the State Board of Control under the laws of the State of Texas to exercise the right of eminent domain and condemnation in the securing of lands necessary to the operation of State Eleemosynary Institutions, State Hospitals and other institutions under the control and jurisdiction of said Board and defining the duties and powers of the State Board of Control and the Attorney General's Department in regard thereto."

S. B. No. 116, A bill to be entitled "An Act to amend Subdivision 64 of Article 199, of the Revised Civil Statutes of Texas, 1925, so as to change the length of the terms of District Court and the time of holding the terms of District Court in Hale, Lamb, Swisher, Castro, and Bailey Counties, constituting the Sixty-fourth Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of Court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under the present law so as to render them available in said

counties under this Act; and declaring an emergency."

S. B. No. 137, A bill to be entitled "An Act to amend Subdivision 2 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1939, Forty-sixth Legislature, page 150, so as to change the time and terms of holding the Second District Court in Angelina, Cherokee, and Nacogdoches Counties, constituting the Second Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in the summoning of grand and petit juries under this Act; and declaring an emergency."

S. C. R. No. 24, Requesting return of H. B. No. 107 from Governor.

S. C. R. No. 20, Providing for joint session of the Senate and House at 11:00 o'clock a. m., March 5, 1943.

H. B. No. 260, A bill to be entitled "An Act authorizing the commissioners court in each county in this State having a population of not less than eighteen thousand, four hundred and forty-four (18,444) and not more than eighteen thousand, five hundred (18,500); etc.; and declaring an emergency."

H. B. No. 194, A bill to be entitled "An Act authorizing any Independent School District containing all or more than one-half in area of a city of over one hundred thousand (100,000) population, to issue refunding bonds to provide funds to pay and cancel outstanding tax anticipation notes or certificates of indebtedness as herein defined and subject to limitations herein prescribed, and to levy a tax sufficient to pay such bonds and the interest thereon; etc.; and declaring an emergency."

**Reports of Standing Committees**

By unanimous consent, the following reports were submitted at this time:

Committee Room,  
Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred S. B. No. 234, have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Committee Room,  
Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred S. B. No. 248 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Committee Room,  
Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred S. B. No. 235, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Committee Room,  
Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred S. B. No. 249, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Committee Room,  
Austin, Texas,  
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred S. B. No. 170, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

#### Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time and referred to the committee indicated:

By Senator Kelley:

S. B. No. 253, A bill to be entitled "An Act authorizing the commissioners courts in counties where any Army or Navy Base, Camp, Station or Yard, is located, to create a Military Zone adjacent to such Camp, Base, Station or Yard; to establish regulations for traffic, parking and other use of said zones; prescribing penalties for violation thereof; and declaring an emergency."

To Committee on Criminal Jurisprudence.

#### House Bill on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated.

H. B. No. 79, to the Committee on Banking.

#### House Bill 17 on Second Reading

Senator Lane moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 17 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

#### Absent—Excused

Fain	Lemens
Formby	Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 17, A bill to be entitled "An Act authorizing the State Department of Education to issue State Teachers Certificate to teachers of the deaf or the blind, fixing the requirements for such teachers in both academic and vocational subjects, limiting these teachers with special qualifications to such special schools; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 17 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

#### Absent—Excused

Fain	Lemens
Formby	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Kelley
Beck	Lane
Brownlee	Lanning
Bullock	Lovelady
Chadick	Martin
Cotten	Mauritz
Graves	Metcalf
Hazlewood	Moffett
Jones	Moore

Morris	Vick
Ramsey	Weinert
Shivers	Winfield
Stone	York
Sulak	

#### Absent—Excused

Fain	Lemens
Formby	Spears

#### House Concurrent Resolution 33

The President laid before the Senate for consideration at this time:

H. C. R. No. 33, Providing for a Postwar Economic Planning Commission.

The resolution was read.

(Senator Beck in the Chair.)

The resolution was adopted by the following vote:

#### Yeas—18

Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Jones	Shivers
Kelley	Stone
Lane	Sulak
Lovelady	Vick
Metcalf	Weinert
Moffett	Winfield

#### Nays—8

Aikin	Hazlewood
Beck	Lanning
Cotten	Martin
Graves	Mauritz

#### Absent

York

#### Absent—Excused

Fain	Lemens
Formby	Spears

(President in the Chair.)

#### Executive Session

At 11:30 o'clock a. m., the President announced the arrival of the hour for an executive session of the Senate.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the fol-

lowing report had been adopted by the Senate:

Austin, Texas,  
March 4, 1943.

**Executive Session**

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Adjutant General, term to expire January 18, 1945:

Arthur B. Knickerbocker of Odessa, Ector County.

To be Member of the State Commission for the Blind for a six year term expiring January 1, 1949:

B. F. Payne of Carthage, Panola County.

Have had same under consideration and do recommend that they be in all things confirmed.

BROWNLEE, Chairman.

**In Legislative Session**

(Senator Moffett in the Chair.)

The Presiding Officer called the Senate to order as in legislative session at 11:59 o'clock a. m.

**Senate Bills on First Reading**

By unanimous consent, the following bills were introduced, read first time and referred to the committees indicated:

By Senator Shivers.

S. B. No. 254, A bill to be entitled "An Act to amend Article 1735, Revised Civil Statutes of Texas, 1925, giving the Supreme Court authority or jurisdiction to issue the writ of mandamus or any other mandatory or compulsory writ or process against the Board of County and District Road Indebtedness; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Beck and Aikin:

S. B. No. 255, A bill to be entitled "An Act to repeal Subsection 1 of Section (a) of Article 7047g, Revised Civil Statutes of Texas, which Subsection levies a tax on the production of ores; and declaring an emergency."

To Committee on State Affairs.

**Senate Bill 237 on Second Reading**

Senator Metcalfe moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 237 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

**Absent—Excused**

Fain	Lemens
Formby	Spears

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 237, A bill to be entitled "An Act amending Chapter 9, Section 4, of the General Laws of the Second Called Session of the Forty-second Legislature of Texas; changing the time for holding District Court in the Counties of McCulloch, Brown, and Coleman, comprising the 35th Judicial District of Texas; validating all processes issued, bonds and recognizances made and all grand and petit juries drawn for a succeeding term of court before this Act takes effect and making them returnable to the next succeeding term of court in said counties as herein fixed; validating other processes issued and returned; authorizing the Judge of said Court to hold as many sessions of court in any term in any county as he may deem proper; providing for the apportionment of the cost of the salary of the official shorthand reporter of said district; providing for the time of taking effect of this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 237 on Third Reading**

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 237 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Spears

**Recess**

On motion of Senator Brownlee, the Senate, at 12:05 o'clock p. m., took recess until 10:45 o'clock a. m. tomorrow.

**Record of Vote**

Senator Aikin asked to be recorded as voting "nay" on the motion to recess.

**TWENTY-NINTH DAY**

**Continued**

(Friday, March 5, 1943)

The Senate met at 10:45 o'clock a. m., and was called to order by the President.

**Senate Bills on First Reading**

By unanimous consent, the following bills were introduced, read first time and referred to the committees indicated:

By Senator Hazlewood:

S. B. No. 256, A bill to be entitled "An Act amending Section 3a of Article 695c, entitled the Public Welfare Act of 1939, being S. B. No. 36, as passed by the Regular Session of the Forty-sixth Legislature of the State of Texas, under Chapter 8 of the Revised Civil Statutes of the State of Texas, to provide that the State Board of Public Welfare shall appoint an executive director within ten days from the effective date of this Act who shall serve until January 1, 1945, and shall thereafter appoint an executive director biennially to serve for a term of two years; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 257, A bill to be entitled "An Act to amend Article 212 of Title 5, Chapter 1 of the Code of Criminal Procedure of Texas, 1925, providing that a peace officer may, without warrant, arrest an offender when the offense is committed in his presence or within his view, without the requirement, as embraced in the present statute, that the offense be one classed as a felony, or as an 'offense against the public peace,' repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Criminal Jurisprudence.